



Department
for Work &
Pensions

**Child Maintenance
Service**

Child Support Maintenance in Great Britain

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15 May 2024

History of Child Maintenance – 1991-2012

Child maintenance (CM) refers to financial and non-financial support for children, that the parent without main day-to-day care of a child provides to the other parent – long standing principle that parents should provide for their children

Before 1991

- Child Maintenance was a matter for the courts – leading to adversarial, expensive, slow and inconsistent decisions. Child Support Act 1991 sought to replace courts with a statutory scheme using a formula to assess maintenance

1993 & 2003

- Child Support Agency (CSA) schemes. All CSA cases with ongoing liabilities have now been closed, and we have almost completed a programme to deal with CSA non-paying debt, to either collect where success is likely and cost effective for the taxpayer, or write-off
- There remains a role for courts to assess child maintenance through divorce and separation proceedings, these court orders remain in place for at least 12 months, and until a statutory application is made

2012 scheme – The Child Maintenance Service (CMS)

- A key aim of the 2012 scheme was to encourage separated families to make their own child maintenance arrangements, rather than using the statutory scheme as the default
- Wherever possible the CMS supports separated parents to work together in the interests of their children and set up their own private family-based child maintenance arrangements
- Get Help Arranging Child Maintenance is the mandatory gateway to the service and provides free support to help parents make decisions about maintenance, through GOV.UK
- The statutory scheme provides two service types:
 - direct pay (free service)
 - collect and pay (collection charges apply)
- The scheme is underpinned by charges for collect and pay, designed to encourage separated parents to work independently without state intervention and use direct pay

CMS 2012 - Key Features of the scheme

Gross weekly income

- Information about the paying parent's gross income, after occupational or personal pension scheme contributions taken directly from HM Revenue and Customs (HMRC)

Variations

- Variations allow the CMS to look at some circumstances which are not covered by the basic maintenance calculation

Arrears and enforcement

- The Child Maintenance Service always encourages paying parents to pay their maintenance on time
- Various enforcement action can be sought depending on the circumstances of the case

Annual Review

- Periodic review of calculation performed each year

Impact of the child maintenance in GB

- Financial year ending 2023 there were:
 - 2.4 million separated families in Great Britain
 - Including 3.8 million children in those families
 - 59% of separated families had a child maintenance arrangement (both family-based arrangements and statutory arrangements)
 - Through these arrangements £2.8bn was transferred between 2021 and 2023
- In the last 12 months CMS have arranged £1.3billion in child maintenance payments
- In the quarter ending December 2023 the CMS managed 705,00 arrangements for:
 - 643,00 paying parents
 - 965,00 children
- Child Maintenance payments do not affect the amount of benefit payments received by parents, having a positive impact on child poverty
- Payments through family-based and CMS arrangements keep around 160,000 children out of poverty each year

Example Case

- More information on the child maintenance calculation can be found at [Child maintenance: how we work out payments: leaflet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/child-maintenance-how-we-work-out-payments-leaflet)

Reciprocal enforcement maintenance order process interacts with CMS

- Receiving Parent (RP), Paying Parent (PP) or Qualifying Child (QC) move out of the CMS jurisdiction.
- RP or PP must make a REMO application
- Any applicable arrears on the case may be pursued and the MEBC will liaise with CMS to verify the amount and details on the case
- The CMS also trace customers for MEBC referral applications and provide any relevant CMS case information to REMO/MEBC

Recognition and Enforcement of Child Maintenance Decisions made by the Child Maintenance Service (CMS) via the REMO process

CMS decisions are maintenance decisions. Under 2007 Hague Convention, these decisions are in scope of Article 19(3).

The application by the creditor is for recognition and enforcement of a CMS decision but for arrears only. Once the CMS' jurisdiction lapses, the decision is no longer valid in respect of future maintenance payments, but the arrears remain payable.

Applicant sends the application to the Maintenance Enforcement Business Centre (MEBC) which then forwards it to the REMO unit for onward transmission to the requested Contracting State in the usual way.

If an applicant also wants to establish ongoing maintenance, they may be able to obtain an order for child maintenance from the courts in E&W or in the reciprocating country. If the latter, the REMO unit may transmit two applications by the creditor - (i) Recognition & Enforcement of the CMS decision (arrears only) and (ii) Establishment of a new child maintenance in the requested state (in respect of future maintenance payments).

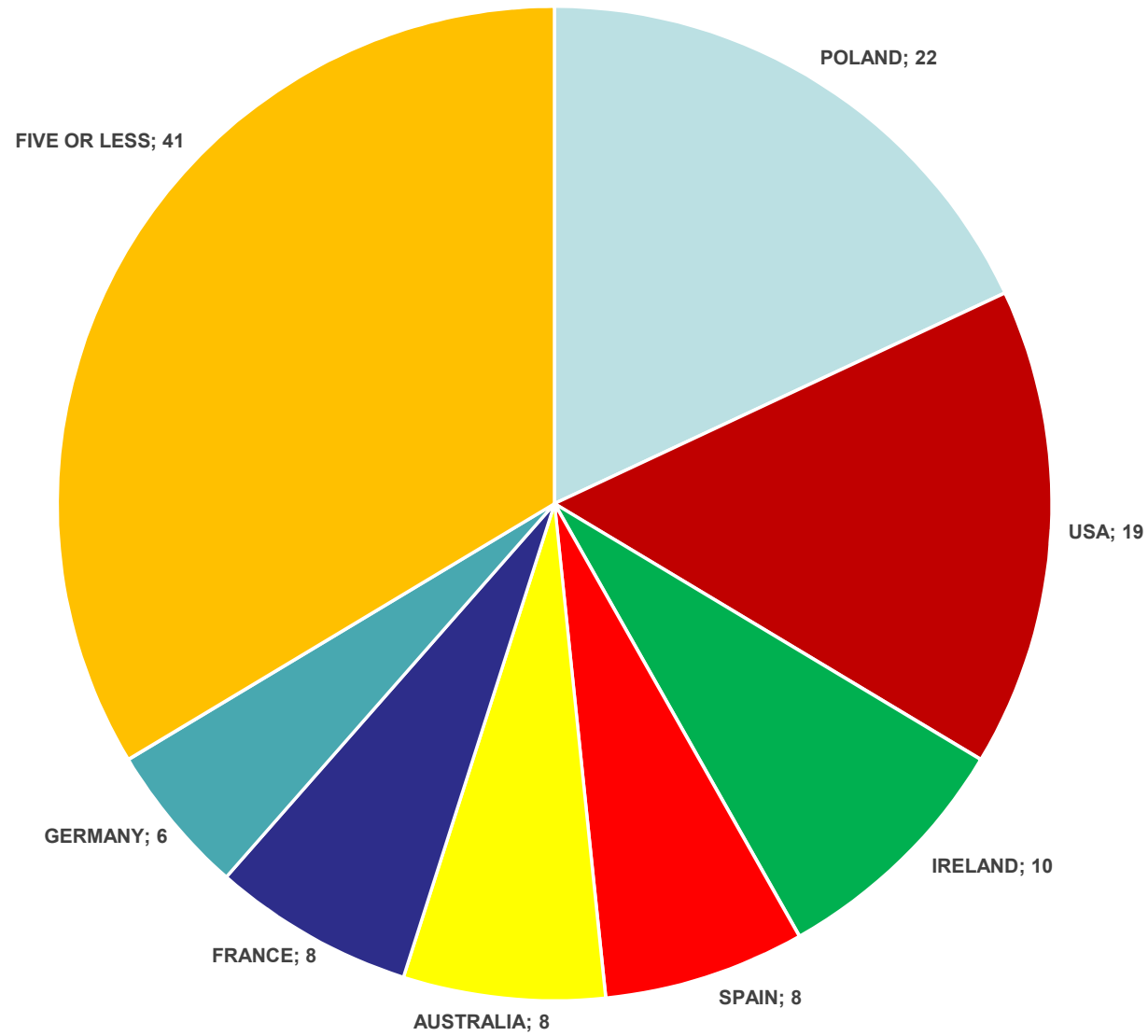
Format of application for Recognition and Enforcement of CMS decisions under 2007 Hague Convention

- Annex I (Transmittal form)
- Annex A – the application for recognition and enforcement of the CMS decision(s) (for arrears only)
- Copy of CMS decision(s) (letter from CMS to applicant)
- Statement of Enforceability completed by the CMS
- Statement of arrears completed by CMS. (Global figure)
- Notice of closure to applicant from CMS
- Financial Circumstances Form
- Statement of Proper Notice (completed by CMS)

FAQ about Applications for Recognition and Enforcement of CMS decisions

- Where is the copy of maintenance decision?
- Please send a copy of the court order
- Why is the application for arrears only and not for enforcement of future maintenance?
- Why has a separate application under Article 10(1)(c) of 2007 Hague (establishment) been submitted when there is already a maintenance decision?
- Is there a breakdown of the arrears owed by year?
- Where can I find the end date for the CMS assessment?

Applications sent by REMO for CMS arrears-2023/24.



Five or less Countries:

NEW ZEALAND 5	CYPRUS 5	NETHERLANDS 5	LITHUANIA 5	SWITZERLAND 3	NORWAY 2
ROMANIA 2	ITALY 2	HUNGARY 2	BARBADOS 1	CZECH REP 1	ISLE OF MAN 1
GUERNSEY 1	SERBIA 1	GREECE 1	SLOVAKIA 1	SWEDEN 1	GUYANA 1
			LATVIA 1		

Public Body (PB) applications received by the REMO unit

Outgoing: The REMO unit does not send any PB applications.

Incoming: PB applications are forwarded by the REMO unit to the MEBC in the usual way.

Incoming Public Body (PB) applications received by the REMO unit - current issues

Separate applications for R&E by the PB and by an individual received - not always clear that the applications are linked.

Arrears statements do not always make clear if it is the PB or the individual who is owed the arrears. This runs the risk of double enforcement.

Please confirm entitlement of the PB to apply in the initial application

Please confirm if an ongoing liability or if the application is arrears only.

Questions for DWP or REMO?